

Message Text

CONFIDENTIAL

PAGE 01 SANTIAGO 04318 072135Z

65

ACTION ORM-02

INFO OCT-01 ARA-06 ISO-00 DHA-02 VO-03 CIAE-00 FBIE-00

INSE-00 NSAE-00 SCA-01 /015 W
----- 010608

P 072055Z MAY 76

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC PRIORITY 8944

C O N F I D E N T I A L SANTIAGO 4318

FOR: D/HA:ORM - SCA/VO ADVISORY OPINION: INELIGIBILITY
OTHER THAN SECURITY

E. O. 11652: GDS

TAGS: SREF, CVIS, CI: (NUNEZ GONZALEZ, LUIS ALBERTO)

SUBJECT: REFUGEE AND MIGRATION AFFAIRS: PAROLE OF CHILEAN DETAINEES
AND REFUGEES (LUIS ALBERTO NUNEZ GONZALEZ) S-58

REF: (A) 75 SANTIAGO 8373; (B) 75 SANTIAGO 8409 (C) SANTIAGO 335;
(D) SANTIAGO 1354 (E) STATE 38273

1. EMBASSY RECENTLY OBTAINED COURT RECORD CASE OF LUIS ALBERTO NUNEZ GONZALEZ. THE RECORD STATES THAT NUNEZ WAS CONVICTED OF POSSESSING ARMS ILLEGALLY AND BEING ACCESSORY IN THE VIOLENT ROBBERY/MURDER OF LT. HECTOR LACRAMPETTE. ON DECEMBER 4, 1973 HE WAS SENTENCED TO 15 YEARS IMPRISONMENT FOR THE ABOVE-MENTIONED CRIMES WHICH OCCURRED ON AUGUST 29, 1973.

2. QUESTION OF APPLICABILITY OF SECTION 212(A)(9) WAS RAISED IN 75 SANTIAGO 8409. CONSULAR OFFICER STATED IN 75 SANTIAGO 8372 THAT HE BELIEVED "SUBJECT WAS NOT GUILTY OF PARTICIPATING IN ACCIDENTAL KILLING OF MILITARY OFFICER" AND THAT "HE RECEIVED TOUGH SENTENCE (AFTER COUP) AS A WARNING TO OTHERS."

3. IN DEPT.'S OPINION COULD THE PRE-COUP ACCIDENTAL MURDER OF A MILITARY OFFICER AND POST-COUP CONVICTION AND HARSH SENTENCE BY MILITARY COURT BE CONSTRUED AS A POLITICAL OFFENSE WITHIN MEANING OF SECTION 212(A)(9) OF THE ACT? IT SHOULD BE REMEMBERED
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIAGO 04318 072135Z

THAT LACRAMPETTE'S DEATH OCCURRED AT A TIME WHEN RUMORS WERE

RAMPANT OF IMPENDING ATTACKS OF RIGHT ON LEFT AND VICE VERSA.
COURT RECORD CONFIRMED SUBJECT'S EXPLANATION PER 75 SANTIAGO 8373
THAT ANOTHER PASSENGER IN THE PICK-UP KILLED LACRAMPETTE.

4. IF THE OFFENSE IS JUDGED TO BE POLITICAL IN NATURE IT WOULD
NOT APPEAR THAT A FINDING OF INELIGIBILITY UNDER SECTION 212(A)(9)
WOULD BE WARRENTED. IF, HOWEVER, THE CRIME IS FOUND TO BE PURELY
CIVIL IN NATURE AND MR. NUNEZ IS DEEMED AN ACCESSORY TO ROBBERY/
MURDER, EMBASSY FEELS IT SHOULD PLACE HIS CASE IN INACTIVE STATUS
AND RETURN TO CIME AS UNACCEPTABLE. (IT IS NOT WITHIN PURVIEW
OF PROGRAM TO ACCEPT A CASE OF PRISONER CONVICTED OF PURELY
CIVIL CRIME.)

5. EMBASSY WOULD APPRECIATE DEPT.'S OPINION AS TO NUNEZ'
ELIGIBILITY FOR PROGRAM. WAS HIS CRIM CIVIL OR POLITICAL?
IF CIVIL REQUEST DEPARTMENT'S CONCURRENCE PLACING HIS CASE IN
INACTIVE STATUS. IF POLITICAL, REQUEST DEPARTMENT CONTINUE PROCESSING
CASE PER RECOMMENDATION PROVIDED 75 SANTIAGO 8373.
BOYATT

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PAROLE, REFUGEE RESETTLEMENT
Control Number: n/a
Copy: SINGLE
Draft Date: 07 MAY 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: blochd0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976SANTIA04318
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760177-0222
From: SANTIAGO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760579/aaaacpud.tel
Line Count: 80
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ORM
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 SANTIAGO 8373, 76 SANTIAGO 8409, 76 SANTIAGO 335
Review Action: RELEASED, APPROVED
Review Authority: blochd0
Review Comment: n/a
Review Content Flags:
Review Date: 02 NOV 2004
Review Event:
Review Exemptions: n/a
Review History: WITHDRAWN <14 JUL 2004 by ShawDG, INA>; RELEASED <02 NOV 2004 by powellba>; APPROVED <03 NOV 2004 by blochd0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: REFUGEE AND MIGRATION AFFAIRS: PAROLE OF CHILEAN DETAINEES AND REFUGEES (LUIS ALBERTO NUNEZ GONZALEZ) S-58
TAGS: SREF, CVIS, CI, US, (NUNEZ GONZALEZ, LUIS ALBERTO)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006